

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

INSTITUTO DE EDUCACION
UNIVERSAL, INC.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, RICHARD RILEY,
et al.

Defendants.

CIVIL NO. 98-2225 (RLA)

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U.S. DISTRICT COURT
OLD SAN JUAN, PR

**ORDER FOR GOVERNMENT TO ANSWER COMPLAINT,
SETTING INITIAL SCHEDULING CONFERENCE
AND INSTRUCTING PARTIES TO FILE MEMORANDUM**

Plaintiff tendered a complaint on December 21, 2000 which is hereby ordered filed by the Clerk of the Court in these proceedings. Accordingly, defendant shall file an Answer or otherwise plead **no later than February 26, 2001.**

Further, plaintiff's Notice of Appearance and Request for Conference (**docket No. 28**, filed on November 30, 2000) is **GRANTED**.¹ An INITIAL SCHEDULING CONFERENCE is hereby set for **March 28, 2001, at 2:30 p.m.**

Counsel are reminded of their obligation pursuant to Amended Rule 26(f) Fed. R. Civ. P., effective December 1, 2000 to confer

¹See also defendant's Response to Plaintiff's Request for Conference and Opposition to Request for Production of Documents (**docket 29**, filed on December 8, 2000), which is **MOOT**.

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1 regarding their respective claims and defenses and to explore
2 settlement options.
3

4 **JOINT ISC MEMORANDUM**

5 The parties shall file **on or before March 16, 2001** a JOINT
6 INITIAL SCHEDULING MEMORANDUM with the following information:

- 7 1. Factual version of the case.
8 2. Applicable legal theories.
9 3. The name and, if known, the address and telephone number of
10 each individual likely to have discoverable information that the
11 party may use to support its claims or defenses, unless solely for
12 impeachment, identifying the subjects of the information² and/or
13 proposals pursuant to Amended Rule 26(f) Fed. R. Civ. P., effective
14 December 1, 2000.
15 4. A description by category and location of, all documents,
16 data compilations and tangible things that are in the possession,
17 custody, or control of each party and that the party may use to
18 support its claims or defenses, unless solely for impeachment³ and/or
19 proposals pursuant to Amended Rule 26(f) Fed. R. Civ. P., effective
20 December 1, 2000.
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23 _____
24 ² See Amended Rule 26(a)(1)(A) Fed. R. Civ. P., effective
December 1, 2000.

25 ³ See Amended Rule 26(a)(1)(B) Fed. R. Civ. P., effective
26 December 1, 2000.

1 5. List of expert witness(es) with reference to respective
2 field(s) of expertise.

3 The written reports for the expert witnesses shall include:

4 "[A] complete statement of all opinions to be
5 expressed and the basis and reasons therefor;
6 the data or other information considered by the
7 witness in forming the opinions; any exhibits to
8 be used as a summary of or support for the
9 opinions; the qualifications of the witness,
10 including a list of all publications authored by
11 the witness within the preceding ten years; the
12 compensation to be paid for the study and
13 testimony; and a listing of any other cases in
14 which the witness has testified as an expert at
15 trial or by deposition within the preceding four
16 years.
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18 Rule 26(a)(2)(B) Fed. R. Civ. P.

19 The parties are admonished that additional witnesses, whether
20 fact or expert, will not be permitted unless allowed by the Court
21 upon good cause shown.
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1 6. A computation of any category of damages claimed a party⁴
2 and/or proposals pursuant to Amended Rule 26(f) Fed. R. Civ. P.,
3 effective December 1, 2000.
4

5 7. A description of any insurance agreement under which any
6 person carrying on an insurance business may be liable to satisfy
7 part or all of a judgment which may be entered in the action or to
8 indemnify or reimburse for payments made to satisfy the judgment⁵
9 and/or proposals pursuant to Amended Rule 26(f) Fed. R. Civ. P.,
10 effective December 1, 2000.

11 8. Itemization of all discovery to be conducted, including
12 interrogatories,⁶ requests for admissions and depositions as well as
13 JOINTLY PROPOSED DEADLINES for each of the following categories of
14 discovery:

- 15 - Deadline for parties to propound all written discovery.
16 - Deadline for plaintiff to identify all expert witnesses (if
17 unknown at the time of filing the ISC memorandum).
18 - Deadline for conclusion of all fact witnesses depositions.
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22 ⁴ See Amended Rule 26(a)(1)(C) Fed. R. Civ. P., effective
December 1, 2000.

23 ⁵ See Amended Rule 26(a)(1)(D) Fed. R. Civ. P., effective
24 December 1, 2000.

25 ⁶ Interrogatories shall be limited to no more than twenty-five
26 (25) questions. See Rule 33(a) Fed. R. Civ. P.

1 - Deadline for submission of reports of all plaintiff's expert
2 witnesses.

3 - Deadline for conclusion of depositions of all of plaintiff's
4 expert witnesses.

5 - Deadline for defendant to identify all expert witnesses (if
6 unknown at the time of filing the ISC memorandum).

7 - Deadline for submission of reports of all defendant's expert
8 witnesses.

9 - Deadline for conclusion of depositions of all defendant's
10 expert witnesses.

11 - Deadline for serving dispositive motions to opposing counsel.

12 9. If a party intends to amend its pleadings, join parties, or
13 file a third party complaint, reference must be made as to the
14 specific action that it wishes to take, identifying both the parties
15 and the relief sought.
16

17 10. For all dispositive motions the parties anticipate filing:

18 a. Identify the proponent;

19 b. Describe the nature and subject matter of the motion;

20 c. Identify the party(ies) against whom the motion will
21 be addressed; and

22 d. The expected date for submission of the dispositive
23 motion in accordance with the AMENDED STANDING ORDER issued
24 on May 19, 1998 setting forth the PROCEDURE FOR FILING
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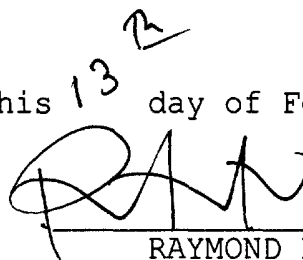
DISPOSITIVE MOTIONS IN CIVIL CASES ASSIGNED TO JUDGE
RAYMOND L. ACOSTA.

11. Any other matter the parties deem appropriate.

Failure to comply with the terms of this Order shall result in
the imposition of sanctions including but not limited to the
dismissal of the complaint, entry of default and/or sanctions against
counsel personally.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 13 day of February, 2001.



RAYMOND L. ACOSTA

United States District Judge